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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,104	07/20/2001	Tetsushi Kokubo	450100-03353	1695

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FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER

HU, KANG

ART UNIT	PAPER NUMBER
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3715

MAIL DATE	DELIVERY MODE
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06/24/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/910,104	Applicant(s) KOKUBO ET AL.	
	Examiner KANG HU	Art Unit 3715	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-7 and 32-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-7 and 32-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/12/2010</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/24/2010 has been entered. Claims 1, 8-31, and 38-53 were previously cancelled, claims 2-7 and 32-37 are currently pending in the application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 2, 4, 6, 32, 34, and 36 are rejected under 35 U.S.C. 102(e) as being anticipated by Kondo (US 7,031,384 B2).

The applied reference has a common assignee and one common inventor (Tetsushi Kokubo) with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that

Art Unit: 3715

any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Re claims 2, 4, 6, 32, 34, and 36, Kondo discloses of a system, comprising:

a receiving unit for receiving a request from a user (col 2, lines 20-32: image processing unit receives input feature information selected by the user);

an information processing apparatus (col 2, line 17: image processing apparatus); and

a motion control apparatus (col 2, line 30: driving section);

wherein the information processing apparatus comprising:

a processor; a memory coupled to the processor (col 2, lines 20-42: image processing apparatus and memory);

input means for inputting image data via a network (col 2, line 22: signal input; col 9, line 17: network);

motion vector detecting means for detecting a plurality of motion vectors in the image data (col 2, lines 44-48);

motion data generating means for generating motion data as a function of the plurality of motion vectors detected in the image data (col 4, lines 35-55: feature information - outputting the motion data to the chair; col 6, line 21- col 7, line 15: different components of motion control signal);

ID generating means for generating an ID corresponding to a set of the image data input via said input means and the motion data generated by said motion data generating means (col 3, lines 35-67: correlating each of the motion components to the image information);

Art Unit: 3715

transmitting means for transmitting the image data, the motion data, and the ID data, in a mutually related fashion, to a second apparatus via said network (col 9, lines 9-18);

and wherein the motion apparatus comprising:

a receiving unit for receiving the image data, the motion data, and the ID data (col 5, lines 60-67: feature information processing section); and

a motion presenting unit for outputting the image and motion as a function of the received image data, ID data, and motion data (display section and driving section),

wherein when the image data is output, a horizontal component, a vertical component, a rotational component and zoom component data generated from the motion vectors

detected from the image data being output are weighted, synchronized and output (col 1,

lines 43-49: detecting a motion related signal related to motion, in accordance with an

image signal; and generating a motion control signal in accordance with the motion-

related signal; col 3, lines 45-65: total of four components of a horizontal component, a

vertical component, rotational component and zoom component; col 4, lines 24-27, each

component may be weighted based on the positional relationship on the image plane;

lines 48-54: forces capable of providing a stimulus in a form in which the physical

sensation is the same... of the observer who observes the image).

Applicant cannot rely upon the foreign priority papers to overcome this rejection because

a translation of said papers has not been made of record in accordance with 37 CFR 1.55.

See MPEP § 201.15.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 5, 7, 33, 35, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo (US 7,031,384 B2) in view of Muratani et al. (US 6,119,109). Re claims 3, 5, 7, 33, 35 and 37, Kondo does not teach of charging means for charging total fee including a fee for use of said information processing apparatus and a fee for use of the second apparatus; and data generating means for generating data indicating the amount of fee for use of the second apparatus, included in said total fee charged by said charging means. Muratani teaches of a billing processor using billing attribute data corresponding to the content to perform predetermined billing process (abstract; col 5, lines 5-40). It would have been obvious to one of ordinary skill in the art at the time of the invention to obtain a payment for utilizing motion vector detection services, display services and driving apparatus.

Response to Arguments

6. Applicant's arguments in view of the newly amended limitations of claims 2, 4, 6, 32, 34 and 36, see pages 12 and 13, filed 3/1/2010, with respect to 103 rejection of Chalom in view of Ohga of claims 2-7 and 32-37 have been fully considered and are persuasive. The 103 rejection of Chalom in view of Ohga has been withdrawn.

Applicant's argument with respect to claims 2-7 and 32-37 in regard to 102 rejection of Kondo have been considered, newly amended limitations have been addressed and not repeated herein.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KANG HU whose telephone number is (571)270-1344. The examiner can normally be reached on 8-5 (Mon-Thu).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-262-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/K. H./
Examiner, Art Unit 3715

/XUAN M. THAI/
Supervisory Patent Examiner, Art Unit 3715